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222 Kearny Street, Seventh Floor
San Francisco, California 94108-4521
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Attorneys for Defendant
MAYTAG CORPORATION, erroneously sued herein as
WHIRLPOOL CORPORATION, d/b/a MAYTAG

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, INTER-INSURANCE
BUREAU,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, d/b/a/
MAYTAG and DOES 1 through 50, inclusive,

Defendant.

No.

**COPY OF ALL PROCESS, PLEADINGS
AND ORDERS SERVED UPON
DEFENDANT**

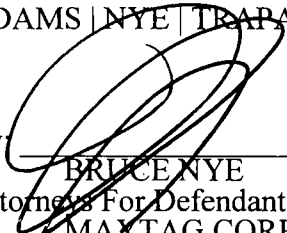
(Alameda Superior Court No.: RG 08 373190)
(Complaint Filed: February 26, 2008)

TO THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. § 1446(a), Defendant MAYTAG CORPORATION, erroneously sued herein as WHIRLPOOL CORPORATION, d/b/a MAYTAG herewith files a copy of all process, pleadings and orders served upon Defendant.

Dated: March 26, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

By 
BRUCE NYE
Attorney For Defendant
MAYTAG CORPORATION

CERTIFICATE OF SERVICE

I, **MARY KATHRYN EARLE**, am over the age of eighteen years, not a party to the above-captioned matter, and employed by **Adams | Nye | Trapani | Becht LLP**, located at 222 Kearny Street, Seventh Floor, San Francisco, California 94108-4521, where the service described below took place on the date set forth below.

Person(s) Served:

Counsel For Plaintiffs:

**Robert E. Wall, Esq.
Laura Uddenberg, Esq.
Grunsky, Ebey, Farrar & Howell, PLC
240 Westgate Drive
Watsonville, California 95076
Telephone: (831) 722-2444
Facsimile: (831) 722-6153**

Document(s) Served:

**COPY OF ALL PROCESS, PLEADINGS AND ORDERS
SERVED UPON DEFENDANT**

Manner of Service:

 X **Mail:** I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service: such correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business in the county where I work. On the date set forth below, at my place of business, following ordinary business practices, I placed for collection and mailing by deposit in the United States Postal Service a copy of each Document Served, enclosed in a sealed envelope, with the postage thereon fully prepaid, each envelope being addressed to one of the Person(s) Served, in accordance with Code of Civil Procedure 1013(a).

 Facsimile: I transmitted by facsimile a copy of each Document Served mentioned above to each Person Served mentioned above pursuant to Code of Civil Procedure 1013(e).

 Personal service: I caused a copy of each Document Served to be hand delivered to each Person Served pursuant to Code of Civil Procedure 1011. If required, the actual server's original proof of personal service will be filed with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 26, 2008

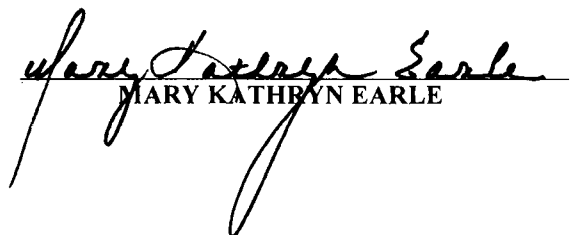

MARY KATHRYN EARLE

EXHIBIT A

Fax from : 831 722 3912

SUMMONS
(CITACION JUDICIAL)**NOTICE TO DEFENDANT:**
(AVISO AL DEMANDADO):

WHIRLPOOL CORPORATION, dba MAYTAG, and DOES 1 through 50, inclusive.

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

CALIFORNIA STATE AUTOMOBILE ASSOCIATION, INTER-INSURANCE BUREAU

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)ENDORSED
FILED
ALAMEDA COUNTY

FEB 26 2008

CLERK OF THE SUPERIOR COURT

By P. Bir

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court State of California
1225 Fallon Street
1225 Fallon Street
Oakland, CA 94612

CASE NUMBER:
(Número del caso): **08373190**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Robert E. Wall, Esq. (SBN 108114)
Laura Uddenberg, Esq. (SBN 75630)
Grunsky, Ebey, Farrar & Howell
240 Westgate Drive, Watsonville, CA 95076
DATE: **FEB 26 2008** Clerk, by Pat S. Sweeter (Secretario)
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010))

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Whirlpool Corporation

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. January 1, 2004)

SUMMONS

Legal
Solutions
& PlusPage 1 of 1
Code of Civil Procedure §§ 412.20, 465

Fax From : 931 722 3912

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1 Robert E. Wall, Esq., SBN 108114
 2 Laura Uddenberg, Esq. SBN 75630
 3 GRUNSKY, EBEL, FARRAR & HOWELL
 4 A Professional Corporation
 5 240 Westgate Drive
 6 Watsonville, CA 95076
 7 Telephone: 831/722-2444
 8 Facsimile: 831/722-6153
 9 Attorneys for Plaintiff CALIFORNIA STATE AUTOMOBILE
 10 ASSOCIATION, INTER-INSURANCE BUREAU

ENDORSED
 FILED
 ALAMEDA COUNTY

FEB 26 2008

CLERK OF THE SUPERIOR COURT
 By E. R. R.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF ALAMEDA

CALIFORNIA STATE AUTOMOBILE
 ASSOCIATION, INTER-INSURANCE BUREAU,

Plaintiff.

vs.

WHIRLPOOL CORPORATION, dba MAYTAG,
 and DOES 1 through 50, inclusive,

Defendants.

UNLIMITED CIVIL ACTION

No. RG 08373190COMPLAINT IN SUBROGATION
FOR DAMAGES

1. Negligence
2. Products Liability (Strict Liability)
3. Breach of Implied Warranty

GENERAL ALLEGATIONS

Plaintiff alleges:

1. Plaintiff, CALIFORNIA STATE AUTOMOBILE ASSOCIATION, INTER-INSURANCE BUREAU (hereinafter "CSAA"), is, and at all times herein mentioned was, a corporation licensed by the Insurance Commissioner of the State of California to engage in the business of insurance in the State of California.
2. Theodore and Sally Inouye (hereinafter the "INSURED") are, and at all times herein mentioned were, the owner of certain real property and improvements located at 37986 Ballard Drive, Fremont, County of Alameda, State of California (hereinafter "INSURED PREMISES").

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CSUB19629/complaint (Inouye)
 CSAA v. Whirlpool Corporation, et. al
 COMPLAINT IN SUBROGATION FOR DAMAGES

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3. At all times herein mentioned, the INSUREDS were insured by CSAA under a homeowner's policy of insurance (hereinafter the "POLICY") against, among other risks, damage to the INSURED PREMISES by fire and/or water.

4. Defendant WHIRLPOOL CORPORATION (hereinafter "WHIRLPOOL") is a corporation doing business in the State of California, in among other places, the County of Alameda. Defendant WHIRLPOOL is, and at all times herein mentioned was, engaged in the business of designing, manufacturing, marketing and selling dishwashers to members of the general public in, among other places, the County of Alameda. Some of said dishwashers were marketed and sold under the brand name MAYTAG.

5. Defendant Doe 1 is in the business of selling dishwashers, including WHIRLPOOL/MAYTAG dishwashers, to the general public in the County of Alameda.

6. Defendant Doe 2 is in the business of installing dishwashers in the homes of the general public in the County of Alameda.

7. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as Does 1 through 50, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to show their true names and capacities when ascertained.

8. Plaintiff is informed and believes and thereon alleges that each defendant, including the fictitiously named defendants Does 1 through 50, is, and at all times herein mentioned was, the agent and/or employee of each remaining defendant, and in doing the things hereinafter described was acting within the course and scope of such agency and employment.

9. Defendant WHIRLPOOL designed, manufactured and sold a MAYTAG dishwasher, which was sold by defendant DOE 1 to the INSUREDS, and which was installed by defendant DOE 2 in the INSURED PREMISES at a date unknown, but within ten years before the date of the filing of this complaint.

10. On or about October 1, 2007 the MAYTAG dishwasher designed, manufactured, and sold by WHIRLPOOL, sold by DOE 1 and installed by DOE 2, malfunctioned, causing a fire and resulting in substantial damages to the INSURED PREMISES.

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CSUB19629/complaint (Inouye)
CSAA v. Whirlpool Corporation, et. al.
COMPLAINT IN SUBROGATION FOR DAMAGES

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11. As a result of the fire and smoke damages, fire extinguishment (water) damages and other damages, the INSUREDS were required to repair, replace and/or restore dwelling property; repair, replace and/or restore personal property; and incur additional living expenses in a total amount of more than \$200,000, which will be proven at trial.

12. CSAA was required to, and did in fact, pursuant to the terms of the POLICY, reimburse the INSUREDS for the above described damages. Plaintiff's damages became certain as of the date of the payments, entitling plaintiff to prejudgment interest.

13. CSAA has notified defendant WHIRLPOOL/MAYTAG of the damages, payments made, and CSAA'S rights to reimbursement in subrogation. CSAA has demanded said reimbursement for the sums as set forth in paragraph 11, but WHIRLPOOL/MAYTAG has failed and refused, and continue to fail and refuse, to reimburse CSAA the whole or any part thereof.

FIRST CAUSE OF ACTION

(Negligence)

14. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 13 of its Complaint as though fully set forth herein.

15. Defendants WHIRLPOOL/MAYTAG, DOE 1 and DOE 2 negligently designed, manufactured, installed and/or sold the subject dishwasher so that it was in an unreasonably defective and/or damaged condition. WHIRLPOOL/MAYTAG recalled this make and model dishwasher for the same problem. The INSUREDS received the notice of recall on October 22, 2007, three weeks after the fire.

16. As the proximate result of the negligence of defendants, the INSUREDS suffered the above-described damages, and CSAA was required by the POLICY to reimburse the INSUREDS for the above-noted costs of such damages.

WHEREFORE, plaintiff prays for judgment as follows:

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SECOND CAUSE OF ACTION
Products Liability (Strict Liability)

17. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 16 of its Complaint as though fully set forth herein.

18. Defendants WHIRLPOOL/MAYTAG and DOE 1 intended the dishwasher to be used by consumers in their homes without inspection for defects.

19. The dishwasher, as designed, manufactured, and/or sold by defendants WHIRLPOOL/MAYTAG and DOE 1 was at the time the INSUREDS purchased and had it installed, defective and unsafe for its intended purposes.

20. The INSUREDS were unaware, until the time of the fire, of the defective and unsafe nature of the dishwasher. The INSUREDS at all times used the dishwasher in the way defendants WHIRLPOOL/MAYTAG and DOE 1 intended it to be used.

21. The above-described defect in the dishwasher designed, manufactured, and sold by defendants WHIRLPOOL/MAYTAG and DOE 1, resulted in the INSUREDS suffering the above-described damages, for which CSAA was required by the POLICY to reimburse the INSUREDS for the above-noted costs of such damages.

WHEREFORE, plaintiff prays for judgment as follows:

THIRD CAUSE OF ACTION
(Breach of Implied Warranty)

22. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 21 of this Complaint as though fully set forth herein.

23. Defendants WHIRLPOOL/MAYTAG and DOE I impliedly warranted that the dishwasher was designed, manufactured, and/or sold in a skillful manner, so as to be reasonably fit for its intended use in residences.

24. The INSUREDS relied on the implied warranty, and believed in good faith that said dishwasher was of merchantable quality.

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1 25. Defendants WHIRLPOOL/MAYTAG and DOE 1 breached the implied warranty in
2 that the dishwasher was defective and thus not suitable for the use intended by the INSUREDS.

3 26. The above-described defect in the dishwasher, caused by the acts and/or omissions of
4 defendants WHIRLPOOL/MAYTAG and DOE 1, resulted in the INSUREDS suffering the above-
5 described damages, for which CSAA was required by the POLICY to reimburse the INSUREDS for
6 the above-noted costs of such damages.

7 WHEREFORE, plaintiff prays for judgment as follows:

8
9 PRAYER

10 1. For the sum of \$200,000, or such other amount as will be proven at trial, paid by
11 CSAA as set forth herein;

12 2. For pre-judgment interests on CSAA'S payments to the INSUREDS;

13 3. For the costs of suit herein incurred;

14 4. For such other and further relief as the court may deem just and proper.

15
16 DATED: February 22, 2008

GRUNSKY, EBEL, FARRAR & HOWELL

17
18 By 

Laura Uddenberg and Robert E. Wall, Attorneys for
19 Plaintiff, CALIFORNIA STATE AUTOMOBILE
20 ASSOCIATION, INTER-INSURANCE BUREAU

Fax from : 831 722 3912

02-28-08 15:26

Grunsky, Ebey, Farrar & Howell
 Attn: Uddenberg, Laura
 240 Westgate Dr.
 Watsonville, CA 95076

Superior Court of California, County of Alameda

California State Automobile Assoc.
 Plaintiff/Petitioner(s)
 VS.
 Whirlpool Corp
 Defendant/Respondent(s)
 (Abbreviated Title)

No. RG08373190

NOTICE OF CASE MANAGEMENT
 CONFERENCE AND ORDER
 Unlimited Jurisdiction

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.

Notice is given that a Case Management Conference has been scheduled as follows:

Date: 07/10/2008 Time: 08:45 AM	Department: 19 Location: Administration Building Third Floor 1221 Oak Street, Oakland CA 94612 Internet: http://www.alameda.courts.ca.gov	Judge: Stephen Dombrink Clerk: Barbara Dell Clerk telephone: (510) 267-6935 E-mail: Dept.19@alameda.courts.ca.gov Fax: (510) 267-1507
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ORDERS

1. You must:

- Serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b));
- Give notice of this conference to any party not included in this notice and file proof of service;
- Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference;
- File and serve a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.725)

2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.

3. You are further ordered to appear in person* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.

4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:

- Referring to ADR and setting an ADR completion date
- Dismissing or severing claims or parties
- Setting a trial date.

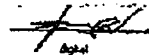
*Telephonic appearances at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-882-6878, or faxing a service request to 1-888-882-2946. This service is subject to charges by the vendor.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown herein and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 02/28/2008.

By



Deputy Clerk

Fax from : 831 722 3912

02-26-08 15:27 Pg: 18

Superior Court of California, County of Alameda



Notice of Judicial Assignment for All Purposes

Case Number: RG08373190
Case Title: California State Automobile Assoc. VS Whirlpool Corp
Date of Filing: 02/26/2008

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This case is hereby assigned for all purposes to:

Judge:	Stephen Dombrink
Department:	19
Address:	Administration Building 1221 Oak Street Oakland CA 94612
Phone Number:	(510) 267-6936
Fax Number:	(510) 267-1507
Email Address:	Dept19@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.6 must be exercised within the time period provided by law, (See Govt. Code 68616(l); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULE 3.135.

General Procedures

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE Stephen Dombrink
DEPARTMENT 19

Fax from : 831 722 3912

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Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the Initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

Schedule for Department 19

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Mondays through Thursdays at 9:30 a.m.
- Case Management Conferences are held: Initial Case Management Conferences: Tuesdays through Thursdays at 8:45 a.m. and Fridays at 9:00 a.m. and 2:00 p.m.
- Case Management Conference Continuances: Mondays through Thursdays at 9:00 a.m.
- Law and Motion matters are heard: Mondays and Thursdays at 8:30 a.m.
- Settlement Conferences are heard: To be determined by the Court.
- Ex Parte matters are heard: Mondays and Wednesdays at 9:00 a.m.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- **Motion Reservations**
Email: Dept.19@alameda.courts.ca.gov
- **Ex Parte Matters**
Email: Dept.19@alameda.courts.ca.gov

Tentative Rulings

The court will issue tentative rulings in accordance with the Local Rule 3.30(c). Tentative rulings will become the Court's order unless contested. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 19
- Phone: 1-866-223-2244

Fax from : 831 722 3912

02-28-08 15:27 Pg: 12

Dated: 02/27/2008

Executive Officer / Clerk of the Superior Court

By



Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 02/28/2008

By



Deputy Clerk